

Indiana Oversight Committee on Public Records Policy #05-01**Application: All State Agencies****Effective Date: Approved January 18, 2005****General Subject: Commission on Public Records E-mail Retention Policy****Purpose:**

The purpose of this policy is to ensure that electronic mail is maintained by state agencies and county and local governmental entities in accordance with approved records retention policies, accepted record keeping practices and laws as required by IC 5-14-3-3, IC 5-14-3-7 and IC 5-15-5.1-10.

Policy:**E-mail is a public record**

All e-mail conducted on state government computers is owned by the state of Indiana and is a public record. Indiana Code 5-14-3-2 defines a public record as:

any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

The General Assembly essentially precludes any state agency or state employee from determining individually what is or is not a record: anything, on any medium and created for any governmental purpose, falls under the rubric of public records law. Consequently, all e-mail messages are public records and are subject to record retention requirements. For the purpose of satisfying public records laws, e-mail is defined as not only the messages sent and received by e-mail systems, but all transmission and receipt data as well.

Electronic Mail (E-mail) is not a record series for retention scheduling purposes. Rather, the retention of E-mail must be based on content, not media type. E-mail should be retained for the same duration as other records of similar content included in a given record series on an approved retention schedule.

Responsibilities:

All agencies are responsible for developing guidelines and procedures to manage e-mail messages as part of their overall record-keeping systems. Agencies must maintain their E-mail in a manner that complies with approved retention schedules and the records management practices already established for other media as required by law. If a record series cannot be identified, a record series should be developed and included on the agency's approved retention schedule. All agencies should communicate this policy to their employees and should take the steps necessary to ensure employee compliance with this policy.

All agencies are responsible for the electronic mail activities of their users. State agencies have the responsibility to ensure that state-provided e-mail services are used for internal and external communications which serve legitimate government functions and purposes. Managerial authority over electronic mail services should be defined, and user training programs provided which address electronic mail usage and policies. Agencies may consider providing additional restrictions and guidelines regarding the use of electronic mail within their local environments. In considering the need for additional restrictions and guidelines, each agency should take into account its particular needs, mission, available technology, level of staff training, geographic diversity, and organizational culture.

Although confidential and sensitive information should not be included in electronic mail communications unless proper, formalized security precautions have been established, certain electronic mail communications may be privileged or confidential. It is the responsibility of each state agency to protect confidential and sensitive information where intentional, inappropriate, or accidental disclosure of the information might expose the State or an individual to loss or harm.

Adopted by the Oversight Committee on Public Records,
January 18th, 2005

Guidelines for Developing An Agency E-Mail Retention Policy are available at
http://www.in.gov/icpr/records_management/pubs/emailguidelines.html

An example of an agency e-mail policy from the Dept. of Environmental Management is available at
http://www.in.gov/icpr/records_management/pubs/idememailpolicy.pdf (PDF format)